vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO.1843 OF 2004

Ganesh Krishna Madhavi ... Petitioner

V/s.

Varsha Hemant Deshmukh & Ors. ... Respondents

Mr.C.G. Gavnekar with Mr.Gavankar for Petitioner
Mr.P.M. Patil for Respondent No.1

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **MARCH 2, 2006**

P.C.:

. The Petition challenges the concurrent findings of fact recorded by the authorities below. The Petitioner has filed an application for disqualification of Respondent No.1, who is the Sarpanch of the Gram Panchayat, on the ground that her husband had been paid an amount of Rs.5,000/- by the Gram Panchayat. It is the case of the Petitioner that Respondent No.1 was thereby disqualified under section 14(g) of the Bombay Village Panchayat Act, 1958, from continuing in office.

2. Both the authorities below have considered the fact that the labourers who had been employed by the Panchayat were to be paid their daily wages and costs of the construction material were also to be required to be

paid. The husband of Respondent No.1 had lent the amount of Rs.5,000/- to the Gram Panchayat for making payment of these dues and, therefore, the amount of Rs.5,000/- had been returned to him by cheque. Both the authorities below have held that the Petitioner's allegation that on 9.4.2002 an amount of only Rs.4211/- was available with the Gram Panchayat in its bank account has not been proved by him.

3. In my view, there is no error of law or any jurisdictional error requiring any interference by this Court under Article 226 of the Constitution of India. Writ Petition rejected.